

UNITED STATES DISTRICT COURT
Northern District of California

JOE HAND PROMOTIONS INC.,

Plaintiff(s),

v.

RAYMOND S. LEE,

Defendant(s).

No. C 09-00676 PJH (MEJ)

**ORDER RE SUPPLEMENTAL
BRIEFING**

In preparation for oral argument on Plaintiff's Motion for Default Judgment set for hearing on Thursday, September 17, 2009, the Court **ORDERS** Plaintiff to submit supplemental briefing on the following issues:

1. The statute of limitations for Plaintiff's first and second causes of action under the Federal Communications Act of 1934, 47 U.S.C. § 605, and the Cable & Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 553. Specifically, Plaintiff should address the timeliness of these claims in light of the Ninth Circuit's holding in *Direct TV v. Webb*, 545 F.3d 837, 847-848 (9th Cir. 2008), wherein the Court found that for § 605 actions brought in California, the one-year statute of limitations under the California Piracy Act, Cal. Penal Code §§ 593d, *et seq.*, applies. *See also Kingvision Pay-Per-View, Ltd. v. Barron*, 2009 U.S. Dist. LEXIS 14760, at *4 (N.D. Cal. 2009); *J & J Sports Prod. Inc., v. Manuel F. Pacis*, 2008 U.S. Dist. LEXIS 104375, at *6-7 (N.D. Cal. 2008) (acknowledging *Direct TV's* holding and finding that the one-year statute of limitations under the California Piracy Act applies to § 605 and § 553 claims brought in California).

2. The legal basis and factual support for Plaintiff's claimed damages for its conversion cause of action. Specifically, Plaintiff should set forth the legal standard and facts supporting its request for compensatory, punitive, and exemplary damages.

1 3. Should Plaintiff's federal claims be time-barred, whether an alternate ground for subject
2 matter jurisdiction exists.

3 4. The legal basis and factual support for Plaintiff's claimed damages for its California
4 Business and Professions Code Section 17200 cause of action. Specifically, Plaintiff should set
5 forth the legal standard and facts supporting Plaintiff's request for restitution, declaratory relief, and
6 prohibitory and mandatory injunctive relief.

7 5. Calculation and specific amount of Plaintiff's request for attorney's fees and cost of suit
8 in accordance with Northern District of California Local Rule 54.

9 Plaintiff shall file its supplemental brief by **9:00am, Friday, September 11, 2009.**

10 **IT IS SO ORDERED.**

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12 Dated: September 8, 2009

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15 Maria-Elena James
16 Chief United States Magistrate Judge
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